

Testimony Provided by A. Ricker Hamilton
for the
National Association of Adult Protective Services Administrators

Good morning.

It is an honor to be speaking with you this morning, thank you for your invitation. I am a Board Member of the National Association of Adult Protective Services Administrators or NAAPSA as we are known. As a volunteer non-profit organization our membership consists of the senior administrators of states' Adult Protective Services systems. Adult Protective Services are those services provided to elderly and disabled adults who are in danger of abuse, neglect or exploitation; and who are unable to protect themselves, and have no one to assist them. NAASPA represents the interest of these programs, conducts national research projects relating to the abuse of vulnerable adults and provides training to state Adult Protection Administrators.

Reports of elder abuse, neglect and exploitation are increasing dramatically but not the budgets for Adult Protective Services. It is estimated that in the United States, 2 million older persons and persons with disabilities are abused, neglected and financially exploited each year.

Most experts believe this number may be only the tip of the iceberg, since many victims are unable to report their abuse and have no one to do so for them. The American Academy of Family Physicians reports "we are losing our elders to an epidemic rarely talked about or even acknowledged. An epidemic that leaves some ashamed, some afraid and too many dead."

Studies indicate only one out of every 14 cases of elder abuse is reported. Aging should be a gift, not a time of fear and deprivation. In the next twenty-five years, there will be an unprecedented growth in the number of our older citizens. By 2030, 20% of our population will be persons over age 65, more than twice their number in 1997.

APS programs all over the country have struggled on their own, with minimal resources, to develop quality services for our most vulnerable adult citizens. These victims, who are mistreated in every way imaginable, are often unable to help or even speak for themselves. APS programs are serving the fastest growing population in the nation. Although we have made great strides, we cannot possibly meet the increasing demand and complexity of needs facing our clients without federal leadership and resources.

I would like to cite some case examples of abuse, neglect and exploitation that were investigated by Adult Protective Services:

Connecticut

Mrs. T., was a 95-year-old widow who was admitted to the hospital in a semi-comatose state, suffering from dehydration and malnutrition. Her son, who had been her caregiver for the past ten years, refused to answer any questions about his mother's condition. A physician observed the son fondling his mother inappropriately and then punching and verbally abusing her. An investigation revealed serious neglect and possible sexual abuse by the son. Protective Services for the Elderly secured a restraining order against the son, became temporary conservator of the woman and placed her in a long-term care facility.

Illinois

Mrs. B., 68, had been in an abusive marriage for 30 years. Her husband isolated her from her family and

friends, denied her access to money and did not permit her to make decisions. Upon admission to the hospital for surgery, Mrs. B. requested protective services. An Elder Abuse Program caseworker helped Mrs. B. be reunited with her family, move in with her sister, obtain a divorce, open her first checking account and receive half of her husband's pension. Her family expressed their gratitude, saying that without the assistance of the Elder Abuse Program, Mrs. B. would still be living with her abusive husband.

Iowa

Mrs. L., an 83 year old woman moved in with her son on the family farm following surgery. Eighteen months later, the woman's health had deteriorated to the point where her physician was recommending that she be placed in a health care facility. The woman's son had obtained both a voluntary guardianship and power of attorney for his mother, and had received in excess of \$150,000 dollars worth of the woman's resources. This amount included case payments and the cancellation of a \$40,000 loan he owed his mother. Adult Protective Services substantiated a dependent adult abuse report on the son, finding the son had used undue influence to get his mother, who was confused at the time, to sign the voluntary guardianship papers and power of attorney. A civil suit against the son restored the woman's resources.

Kansas

A 90-year-old woman and her 68-year-old daughter were being physically and verbally abused by the mentally ill granddaughter who lived with them. The two elderly woman were very afraid because the daughter was very volatile and threatening, had hit her mother several times, had brought strange men into their home who stole things, and had forged checks on her mother's account. When police were called, the daughter would pull herself together long enough to convince them that nothing was going on, and then retaliated against the two women after the police left. The two women discussed suicide because they believed no one would protect them from the daughter. An APS social worker worked with the mental health center to get the daughter court ordered into the state psychiatric hospital for treatment. APS obtained a restraining order to keep the daughter away from the two women when she was released back into the community, and set up a corrective action plan in which the daughter could avoid criminal prosecution only if she had no contact with the two women, and continued to participate in mental health treatment. The worker found alternative housing for the two women so that the daughter would not know where they lived.

Louisiana

A 75-year-old woman was found wandering in front of her home and admitted to the hospital. The emergency room physician found that she suffered from diabetes, moderate dementia and was missing four of her toes. The woman had been living with her daughter in an extremely unsanitary house with 37 dogs and 10 cats. It appeared that the dogs had chewed off the victims' toes. Louisiana state law allows for the prosecution of elder abuse without the testimony of the victim. However, the judge dismissed charges filed against the daughter when the District Attorney said that the victim was "too upset to testify."

Maine

An 88-year-old woman was financially exploited by her two nieces. After becoming her guardian and conservator, the nieces sold her home, her car, personal belongings and everything else important to her. They divided the proceeds and purchased travelers checks with some of the money. Her nieces even continued to steal her monthly pension benefits from out of state, utilizing an ATM. The Department of

Human Services became her public guardian and had the two nieces removed as guardians and conservators. The local District Attorney's office refused to prosecute but promised to do so if the public guardian received a judgment against the nieces from the Probate Court. After many months of legal work, a judgment was secured. The District Attorney however refused to prosecute. The Attorney General's Office took the case and both nieces were prosecuted, one niece received a six-month jail sentence. Restitution is part of their probation.

Maine

A 78 year old mentally retarded woman had lived in the same house all of her life. Before her mother's death in 1972, her brother promised their mother that he would not to place his sister in an institution. For almost thirty years she never left her bedroom, her bedroom door was locked from the outside. APS went to the home in response to an allegation that the brother was abusing his wife. The caseworker and police officer were aware of a rumor that another person lived in the home and pressed to see this person. What they discovered was a woman lying naked in a fetal position on the floor and weighing just 67 lbs. She was being fed a diet of crackers and yogurt. There was a badly soiled mattress on the floor, without sheets or blankets. The bedroom did not have toileting facilities. Of the 12 words she could speak, the three she said the most were " I hate you". Next door to her house was a group home that provided day care services for adults. The District Attorney, after reviewing the case, decided not to prosecute because of the familial relationship.

Nebraska

Adult Protective Services received a report of a 53-year-old woman with Developmental Disabilities who had been physically and verbally abused by her brother. The reporter witnessed the brother of the victim yelling at her, slapping her across the face, then driving away, leaving the victim lying in a fetal position on the ground. The victim had been residing with her brother since her parents died. The investigation found that she had been physically abused by her brother for several years but she thought if she told anyone she would have no place to live. She had also been financially exploited by this brother, as he was the payee for her Social Security check and had used that money to support his drinking habit. APS found her alternate living in a group home, connected her with day service programs through the Developmental Disabilities System and found another payee for her Social Security Check. She is doing very well in her present surroundings and has been reconnected with siblings in another state who had not known about the abuse. The person who witnessed the abusive action would be willing to testify but the County Attorney refused to prosecute because the victim does not make a reliable historian and would not make a good witness.

Pennsylvania

Marge is a 78-year-old widow whose son had power of attorney over her affairs. Older Adult Protective Services discovered that the son had taken over \$250,000 from her various accounts. He had purchased six brand new automobiles in addition to other items. Older Adult Protective Services contacted law enforcement and arranged for Marge's brother to be appointed her guardian. The automobiles were recovered and sold, with the money going into Marge's account. The son has been evicted from her home and is the subject of a criminal investigation.

Texas

James is a 42-year-old paraplegic due to an automobile accident. He lived with his wife Sandra, who refused to take him to the physician or refill his medications, even though his bedsores were getting

worse. Sandra initially refused to allow Adult Protective Services to see her husband. Law enforcement was called to help the APS worker gain access to James. James was taken to the hospital, at which point his wife relinquished all duties as his caregiver. He was placed in a community based alternative to nursing home care where he could receive 24 hour medical attention.

Utah

Mr. N., is a 33-year-old American Indian who suffered traumatic brain injury after being severely beaten and left to die by his attackers. Because of his brain injury he is unable to take care of basic activities of daily living or ensure his own personal safety, so he cannot be left alone. His family cares for him during the evening and weekends, but are not available during weekdays, as they work. Adult Protective Services arranged to have Adult Day Care services, funded by SSBG, to provide for him during the day. Staff report that since his placement in Day Care he has "just blossomed."

Vermont

An 89-year-old woman who suffered from Alzheimer's disease was living in a licensed residential care home. Finding the woman's door locked, the head of nursing let herself into the room with a key and found the maintenance man having sexual contact with the victim. He had been having sexual relations with her for several months, even though she was incapable of giving informed consent. It appeared that he had preyed on other residents over the years.

Wyoming

Neighbors reported to Adult Protective Services that a 90 year old woman was being financially exploited by her attorney. He had convinced his client to cut herself off from all her relatives and write him into her will as her sole heir, in exchange for a promise to provide for her care. Attempts to help the victim were rebuffed due to her increasing confusion and paranoia. Following her death, Adult Protective Services confirmed that the attorney did receive a large amount of money from the woman's estate. An ethics referral was made to the Wyoming Bar Association.

The Social Services Block Grant is the only source of federal funding that specifically provides funds for the delivery of Adult Protective Services. SSBG has been reduced over the past few years from \$2.8 billion to \$1.7 billion, more than a one billion dollar cut in these critical funds! When states lose SSBG funds, APS often are among the programs frequently cut. It is urgent that SSBG funds get restored at least back to a level of \$2.8 billion. SSBG funds support APS services for approximately 650,000 older and disabled adults. 31 states depend on these funds to provide protective services to victims like I just described.

These services include:

1. Investigation of reports of abuse, financial exploitation and neglect of vulnerable adults;
2. Taking immediate action to protect victims' safety and property; and also
3. Arranging for a wide variety of supportive services such as emergency housing, homemaker, food, medical and health treatment and other essential services.

Adult Protective Services workers are frequently called upon to make critical, life changing decisions in complex and challenging situations. They are called because many elderly and disabled victims have no

one available or willing to speak on their behalf. Sixty percent of the abusers are family members, who isolate and intimidate their victims. The faces of the victims I described earlier have the same face as your grandmother, grandfather, and other family members and loved ones. If you weren't available to protect and help them if they were being abused, neglected or exploited, it's Adult Protective Services who would be called.

The very limited funds that are available through the Older Americans Act (4.7 million dollars) are used primarily for elder abuse prevention and education, not investigation and intervention services. In other words, Older Americans Act funds are not used to support APS services in the states. Nor does this program address the needs of thousands of younger disabled persons those under the age of 60 who are also victims of abuse, exploitation and neglect. We often find that abuse has occurred for many years and not just after someone turns age 60 or 65.

Last year the U.S. Department of Health and Human Services reported expenditures of 4 billion dollars used to serve abused children. The Violence Against Women's Act received approximately \$200 million. Of the federal funding available for victims of abuse, 93.3% goes to child abuse, 6.7% to domestic violence, and only .08% to elder abuse. There are no other federal funds available to provide these life-saving services. Child Protective Services, domestic violence agencies and related services need this level of commitment but the contrast with the funding availability for APS is indeed stark and troubling; especially in light of the fact that our nation is growing older.

NAAPSA has made a number of recommendations, some of these include:

1. Restore SSBG funding to \$2.38 billion;
2. Earmark SSBG funds for protective services including Adult Protective Services;
3. Develop consistent definitions of abuse, neglect and exploitation;
4. Provide seed money for an automated data collection system to develop national statistics, similar to the seed money provided to Child Protective Services;
5. Develop model enabling legislation for Adult Protective Services to combat the abuse of our elderly and persons with disabilities; there currently exists tremendous inconsistency among states resulting in unequal protection under the law;
6. Provide funding for research efforts;
7. Encourage model programs and community partnerships; and
8. Quantify the link between financial exploitation and the resulting high costs to public problems like Medicaid; sadly the personal devastation is known.

Adults served by Adult Protective Services programs are among this country's most vulnerable citizens. Most of these victims are unable to ask for our help. Our current generation of older victims have raised their families, made numerous sacrifices, endured hardships and have done so much for America and others throughout the world. Now too many of them are being abused and neglected and deserve our immediate attention. They need our help, they deserve your attention, and they have earned the right to be safe in their older years. The true measure of our society will be how we treat those who have spent their lives doing for others.

Thank you.